Filed 05/23/19 Page 1 of 2 Case 3:19-cv-02843-J\$

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

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CENTER FOR BIOLOGICAL DIVERSITY; SAN FRANCISCO BAYKEEPER

(b) County of Residence of First Listed Plaintiff Pima, Arizona (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Jennifer L. Loda; Center for Biological Diversity; 1212 Broadway,

DEFENDANTS

DAVID BERNHARDT, Secretary of the Interior; MARGARET EVERSON, Acting Director, U.S Fish and Wildlife Service

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Ste. 800, Oakland, CA	. 94612-1810; (510) 844	-7136								
I. BASIS OF JURIS	SDICTION (Place an "X" in O		IZENSHIP OF P	RINCI	PAL PA		"X" in One Bo Box for Defend		aintiff	
1 U.S. Government Plaintiff	U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party) U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen	of This State	PTF 1	DEF	Incorporated or Princof Business In This S	PTF 4	DEF 4	
× 2 U.S. Government Defenda			Citizen	of Another State	2 2		Incorporated and Pricorporated Incorporated and Pricorporated Incorporated Incorpor	•	5	5
(marcue Cingensia) of Faries in Henri				or Subject of a Country	3	3	Foreign Nation		6	6
V. NATURE OF SUIT (Place an "X" in One Box Only)										
CONTRACT	TOR	TS		FORFEITURE/PEN	ALTY	BA	ANKRUPTCY	OTHE	R STA	TUTES
110 Insurance 120 Marine 130 Miller Act	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability	PERSONAL II 365 Personal Inju- Liability		625 Drug Related Sei Property 21 USC 690 Other			peal 28 USC § 158 thdrawal 28 USC 57	375 Fals 376 Qui § 372	Tam (3.29(a))	1 USC
140 Negotiable Instrument	320 Assault, Libel & Slander	367 Health Care/	1.5	LABOR		PRO	PERTY RIGHTS	400 State		ortionmer

CONTRACT	TOI	RTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting	PERSONAL INJURY 365 Personal Injury — Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITIONS HABEAS CORPUS 463 Alien Detainee	FORFEITURE/PENALTY 625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions	BANKRUPTCY 422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent—Abbreviated New Drug Application 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionme 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influence Corrupt Organization 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodi Exchange 890 Other Statutory Acti 891 Agricultural Acts X 893 Environmental Matt		
196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property			Actions	870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC § 7609	895 Environmental Matters 895 Freedom of Informatio Act 896 Arbitration 899 Administrative Procedur Act/Review or Appeal of Agency Decision 950 Constitutionality of Sta		

V .	Original	ce an "X" in One Box Only) 2 Removed from	3 Remanded from	4	Reinstated or	5	Transferred from	6	Multidistrict	Multidistrict
	Proceeding	State Court	Appellate Court		Reopened		Another District (specify)		Litigation-Transfer	Litigation-Direct Fil
VI.	CAUSE OF	Cite the U.S. Civil Statute	e under which vou are fi	ling (L	Oo not cite jurisdic	tional	statutes unless diversity):			

ESA 16 U.S.C. §§ 1531-1544; APA 5 U.S.C. §§ 701-706 **ACTION** Brief description of cause: Defendants' refusal to provide ESA protections for eight species **REQUESTED IN** CHECK IF THIS IS A CLASS ACTION **DEMAND \$** CHECK YES only if demanded in complaint:

VIII. RELATED CASE(S), JUDGE DOCKET NUMBER **IF ANY** (See instructions):

DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

UNDER RULE 23, Fed. R. Civ. P.

× SAN FRANCISCO/OAKLAND SAN JOSE (Place an "X" in One Box Only) **EUREKA-MCKINLEYVILLE**

COMPLAINT:

JURY DEMAND:

Yes

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^{*}Seeking admission pro hac vice